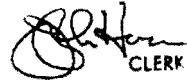


FILED  
SEP 09 2013

  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

\*\*\*\*\*

ERIC CASTANEIRA, \* CIV 10-4039  
\*  
Plaintiff, \*  
\* vs. \* ORDER  
\*  
MIDLAND NATIONAL LIFE \*  
INSURANCE COMPANY, et al., \*  
\*  
Defendants. \*  
\*

\*\*\*\*\*

The Court received an email September 6, 2013, that is digitally signed "Eric Castaneira," with a copy indicated to Paul Heaton, one of the lawyers appearing for the Defendant Midland National Life Insurance Company.

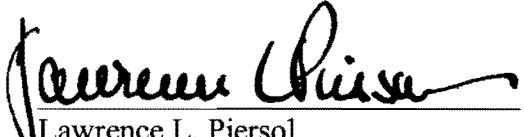
The last paragraph of the email states:

I will not provide the defendants with any of my records in this matter until the Court determines which are privileged as attorney work product (Federal Rules of Civil Procedure as Rule 26(b)(3)). I will provide the Court everything I have access to at the time I make the submission; however you should expect that all of the files I wanted you to do the *Zolin* review will be included and the record will reflect that you have had access to them. Federal Rules Of Criminal Procedure and your Code of Conduct will then obligate you to act accordingly. I would appreciate the Court expediting this review. Please inform me of how you want the files delivered.

The Court in its Order of September 3, 2013, stated that there would be no *Zolin* review, *United States v. Zolin*, 491 U.S. 554, 109 S.Ct. 2619 (1989), as Mr. Castaneira has not shown any basis for such a review, such as the existence of even a claimed attorney-client relationship. As a result, all of the records which this Court ordered produced in its Contempt Order of September 5, 2013, should be produced to the Court in readable format not later than September 19, 2013, with a copy of those records to counsel for Midland National Life Insurance Company.

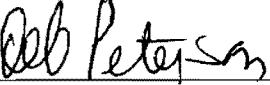
Dated this 9<sup>th</sup> day of September, 2013.

BY THE COURT:

  
\_\_\_\_\_  
Lawrence L. Piersol  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY:   
\_\_\_\_\_  
Deb Peterson  
DEPUTY